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13 THE UNITED STATES DISTRICT COURT
14 FOR EASTERN DISTRICT OF CALIFORNIA
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16

17 JAMES SANFORD

18 Plaintiff,

19 vs.

20 RALPHS GROCERY COMPANY dba
21 RALPHS #983; BILL DEFAZIO; and
22 DOES 1 through 10

23 Defendants.

24 } No. CIV.S 04-2037 LKK KJM

25 }
26 } **STIPULATION TO AMEND
27 } COMPLAINT AND ORDER
28 } THEREON**

29 The parties, subject to approval of the Court, stipulate as follows:

30
31 1. The First Amended Complaint listed BILL DEFAZIO, as the party that
32 is an owner, operator and/or lessor of the property involved in this case,
33 however the CUSHMAN FAMILY TRUST B (c/o H. Barry Swickle) is the correct
34 property owner.

35 2. The parties agree that plaintiff shall and may amend the complaint to

1 name CUSHMAN FAMILY TRUST B as a defendant and to dismiss defendant
2 BILL DEFAZIO, only, without prejudice.
3

4 3. Defendant RALPHS GROCERY COMPANY dba RALPHS #983 shall
5 not be required to file an answer to the amended complaint, and its initial answer
6 shall be deemed responsive to the second amended complaint. (Attached
7 hereto as Exhibit A)
8

9 Dated: August 16, 2005

10 LAW OFFICES OF LYNN HUBBARD

11 /s/ Lynn Hubbard, Esquire /
12 LYNN HUBBARD, III
13 Attorney for Plaintiff

14 Dated: August 16, 2005

15 GREENBERG TRAURIG, LLP

16 Signature on File /
17 STACEY L. HERTER
18 Attorney for Ralphs Grocery Company

Having good cause been shown IT IS HEREBY ORDERED:

- 1 1. Plaintiff shall amend complaint to name CUSHMAN FAMILY TRUST B as
2 a defendant.
- 3 2. Defendant BILL DEFAZIO, only, shall be dismissed without prejudice.
- 4 3. RALPHS GROCERY COMPANY dba RALPHS #983 shall not be required
5 to file an answer to the amended complaint.

Date: August 23, 2005.

/s/Lawrence K. Karlton
Judge of the District Court